

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY INTESTATE JURISDICTION
TEST. SUIT NO.111 OF 1999
IN
TEST. PETITION NO. 1020 OF 1997

Gouri Banerjee .. Deceased
Dr. Arup Kumar Banerjee .. Plaintiff
Versus
Neena Amar Choudhari .. Caveator

Mr. A.S.K. Shahi for the Plaintiff
Mr.A.J. Almeida for the Caveator

CORAM : S.K. SHAH, J.
DATED : 28.4.2005.

P.C.-

1. The learned Counsels on both the sides unanimously submit that the plaintiff's side evidence is already recorded before the Commissioner. They request that the defendant's side evidence should also be directed to be recorded before the Commissioner and the matter be placed for arguments on a fixed date. Both the learned Counsels unanimously suggest the name of Mrs. K.K. Baam, the retired Judge of Bombay High Court to be appointed as a Commissioner for recording the evidence of the defendants.

2. The appointment of the Commissioner as requested is hereby made as prayed for recording evidence of defendants.

3. The report is requested to be submitted by 23rd June, 2005.

4. The matter to come up on board on 30th June, 2005 for arguments.
5. The fees of the learned Commissioner shall be finalised by the parties after negotiations with the learned Commissioner.
6. The cost of the Commissioner shall be borne by the plaintiffs.
7. The office to produce original documents before the learned Commissioner at the request of the parties.
8. Parties to act on an ordinary copy of this order duly authenticated by the Associated of this Court.
9. S.O. to 30th June, 2005.

[S.K.SHAH, J.]